

*A 4
Cont'd*

(2S,3S,5S)-5-(N-(N-((N-Methyl-N-((2-isopropyl-4-thiazolyl)methyl)amino)-carbonyl)valinyl)amino)-2-(N-((5-isoxazolyl)methoxycarbonyl)amino)-1,6-diphenyl-3-hydroxyhexane; and
(2S,3S,5S)-5-(N-(N-((N-Methyl-N-((2-isopropyl-4-oxazolyl)methyl)amino)-carbonyl)valinyl)amino)-2-(N-((5-isoxazolyl)methoxycarbonyl)amino)-1,6-diphenyl-3-hydroxyhexane; or a pharmaceutically acceptable salt, ester or prodrug thereof.

REMARKS

This is a response to the Office Action dated July 8, 1993. In the Office Action, the Examiner has (1) requested a restriction of the claimed invention, (2) rejected Claims 1-8,11,12,13,15,18,19 and 21 as being drawn to improper Markush groups, (3) objected to this specification under 35 USC §112, (4) rejected Claims 1-8 and 12-18 under 35 USC §112, and (5) objected to Claims 9 and 10 as being dependent upon a rejected base claim.

In this response, Applicants affirm the election in response to the restriction requirement and traverse the objections and rejections.

RESTRICTION REQUIREMENT

The Examiner has requested confirmation of the provisional election that was made via a telephone conversation between the Examiner and the Applicants' agent on July 1, 1993. Applicant confirms the election of the Examiner's restriction group 1A2A3A. The nonelected subject matter of the claims has been cancelled by amendment herein.

Applicants reserve the right to file a divisional application on the subject matter of the invention which has been canceled by the Amendment herein.

IMPROPER MARKUSH REJECTION

The Examiner has rejected Claims 1-8, 11-13, 15, 18-19 and 21 as being drawn to improper Markush groups. Applicants have amended the claims herein to cancel the non-elected subject matter. In addition, Applicants have cancelled Claims 12-22. Therefore, the

Examiner is respectfully requested to reconsider and withdraw the improper Markush claims rejection.

OBJECTION AND REJECTIONS UNDER 35 U.S.C. 112

The Examiner has objected to the specification and rejected Claims 12-18 under 35 USC §112 as failing to provide and be supported by an enabling disclosure.

Applicants assert that the general synthetic schemes and the many specific examples provided in the specification fully enable one of ordinary skill in the art to prepare the claimed compounds. In addition, Applicants teach how to test the compounds of the invention for activity as inhibitors of HIV proteases. Furthermore, the Applicants teach modes of administration and dose levels for the compounds of the invention.

Applicants assert that the data provided in the specification fully supports the claimed utility for the compounds of the invention. In particular, data is provided that shows that the compounds of the invention are inhibitors of HIV protease (Table I, page 111) and that the compounds of the invention inhibit HIV in human cells (Table 2, pages 112-113). This data fully supports the utility claimed.

However, in an effort to advance the prosecution of this application, Applicants have cancelled Claims 12-18. Applicants reserve the right to file a divisional application claiming the subject matter of the cancelled claims.

The Examiner has also cited the Zeffren reference in support of the objection and rejection. Applicants find no reason in the Zeffren reference to question the claimed utility of the compounds of the invention.

Lastly, the Examiner has rejected Claims 1-8 and 12 for failing to state the number of carbon atoms in each of the terms "cycloalkyl", "alkyl" and "alkoxy". Applicants assert that the number of carbon atoms for each term is clearly stated in the definitions given on pages 9 and 10 of the specification.

In view of all of the above, reconsideration and withdrawal of the Section 112 objection and rejections is respectfully requested.

OBJECTION TO CLAIMS 9 AND 10

The Examiner has objected to Claims 9 and 10 as being dependent on a rejected base claim. Applicants respectfully assert that Claims 9 and 10 are already independent claims. Therefore,

Applicants respectfully request that the Examiner reconsider and withdraw the objection to Claims 9 and 10.

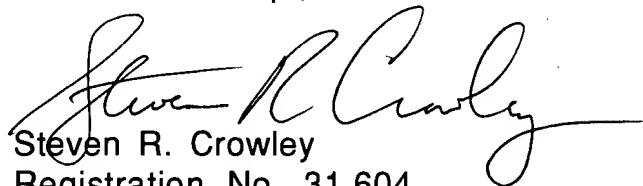
CONCLUSION

In view of all of the above, Applicants respectfully request that the Examiner reconsider and allow Claims 1-11 (as amended).

Respectfully

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